

subcombination, and that this serves as a basis for requiring the above-noted restriction. Applicant disagrees that Groups I and II need to be examined in separate applications.

As noted in MEPE 806.05(c), "to support a requirement for restriction between combination and subcombination inventions, both two-way distinctiveness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden as evidenced by separate classification, status, or field of search." Initially, Applicant does not admit that Groups I and II are related as combination and subcombination. In any case, independent 1 of Group I and independent Claim 22 of Group II are each directed to a method for making a disk drive, and more specifically to the "positioning" of an upper voice coil motor magnet relative to a lower voice coil motor magnet. Independent 1 of Group I and independent Claim 22 of Group II each also require that the upper voice coil motor magnet be "positioned" relative to the lower voice coil motor magnet using magnetics (magnetically aligned in Claim 1, moved to a first orientation in Claim 22). Applicant does not see how the examination of Claims 1 and 22 together in the same application would require the Examiner to undertake any additional work in relation to searching and the like. A common search surely would apply to both Claims 1 and 22. The scope is fairly narrow – positioning an upper voice coil motor magnet relative to a lower voice coil motor magnet in a disk drive using magnetics. Moreover, this simply is not a situation where a large number of independent claims are being presented over diverse subject matter areas. Instead, there are only two independent claims - each of which is directed to the positioning of an upper voice coil motor magnet relative to a lower voice coil motor magnet using magnetics.

The Examiner makes reference to the subcombination (Group II) having a separate utility in the form of having a "parallel relation between the upper and lower voice coil motor magnets during the moving process." The Examiner appears to be focusing on the utility of an individual step, and

not the utility of the invention. Independent Claims 1 and 22 are each directed to a method for making a disk drive, and more specifically to the positioning of an upper voice coil motor magnet relative to a lower voice coil motor magnet for a disk drive using magnetics. It is hard to imagine how the utility of both Claims 1 and 22 can be characterized as being other than directed to the making of a disk drive, and even more narrowly being other than directed to the positioning of an upper voice coil motor magnet relative to a lower voice coil motor magnet for a disk drive using magnetics.

The Examiner also takes the position that Group I would be classified in Class 29, Subclass 603.01, and that Group II would be classified in Class 29, Subclass 606. Class 29 is "Metal Working." Claims 1 and 22 are each directed to the making of a disk drive, and more specifically to the positioning of an upper voice coil motor magnet relative to a lower voice coil motor magnet for a disk drive using magnetics. Applicant is not sure that Class 29 is applicable to either Group I or Group II. In any case, Subclass 603.01 is directed to "magnetic recording reproducing transducers", while Subclass 606 is directed to "assembling coil and core. Both Claims 1 and 22 include the same step of installing a head positioner assembly, where a coil is interconnected with the head positioner assembly. The coil is the portion of the disk drive that passes between the upper and lower voice coil motor magnets, and the interaction between the coil and the upper/lower voice coil motor magnets controls/establishes the position of the head positioner assembly. The "installing a head positioner assembly" step of Claim 1 in one instance cannot support Claim 1 being in one subclass and the same exact "installing a head positioner assembly" step of Claim 22 cannot in another instance support Claim 22 being in a different subclass.